

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA
§ 45.1-361.26

VIRGINIA:

BEFORE THE GAS AND OIL BOARD

APPLICANTS:

CNX Gas Company LLC on behalf of Buckhorn Coal Company and certain Columbus Earl White Heirs including Michael White, Ferrell White Herald White, Marty White Cathy Darlene Ward, and Melissa Skeens;

DOCKET NO.

01-320-0876-01

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling AY-111,
Tracts 2, 4, & 5.
(Referenced herein as "the Subject Drilling Unit")

Location: Russell County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AY-111 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on June 16, 2009 at the Russell County Conference Center, 139 Highland Drive, Lebanon Virginia.
2. **Appearances:** Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On March 19, 2001 the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Russell County on May 2, 2001, Deed Book 525 pages 067 to 083, Instrument Number 0001347. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk of the Circuit Court of Russell County on August 8, 2001, Deed Book 532 pages 221 to 230, Instrument Number 0002828 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Buckhorn Coal Company and the gas ownership interests of the applicants in Tracts 2, 4, & 5 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Miscellaneous Petition regarding Tracts 2, 4, & 5 a copy of which is attached to and made a part hereof, states under oath that Buckhorn Coal Company and the Applicants have entered into an agreement with regards to Tracts 2, 4, & 5 and that by the terms of the agreements, Buckhorn Coal Company has entered into a (50% 50%) split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Buckhorn Coal Company and the applicants that the Board would consider its disbursement authorization at its hearing on June 16, 2009 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tracts 2, 4, & 5 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to said Tracts 2, 4, & 5 in the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow under Tracts 1 and 3.
- 4.5. The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) Buckhorn Coal Company and certain (Columbus) Earl White Heirs, Devisees, Successors or Assigns include: Michael White, Ferrell White, Herald White, Marty White, Cathy Darlene Ward, and Melissa Skeens are the owners of the coal and gas acreage estate underlying a portion of VGOB Tracts 2, 4, & 5 of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB 01-0320-0876-01

	As Given				
Acreage	Acreage	Split		% of	
Fraction	Interest	Agreement	Acreage	Escrowed	Funds

Table 1

Tracts 2, 4, and 5							
Item	Tract	Disbursement Table					
						58.70	
1	2	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		21.7700	50.0%	10.89	18.5434%
		(COLUMBUS) Earl White Heirs	21.77				
2	2	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		21.7700	50.0%	10.89	18.5434%
3	4	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		5.3100	50.0%	2.66	4.5230%
		(COLUMBUS) Earl White Heirs	5.31				
4	4	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		5.3100	50.0%	2.66	4.5230%
5	1g	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		1.1500	50.0%	0.58	0.9796%
		(COLUMBUS) Earl White Heirs	1.15				
6	1g	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		1.1500	50.0%	0.58	0.9796%

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**


Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

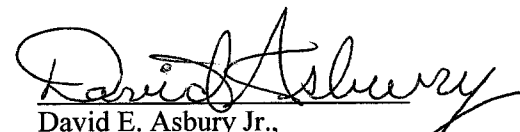
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 5 day of August, 2009 by a majority of the Virginia Gas and Oil Board.


Bradley C. Lambert, Chairman

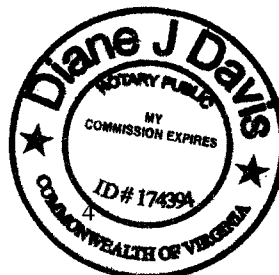
DONE AND PERFORMED this 5 day of August, 2009 by an Order of this Board.

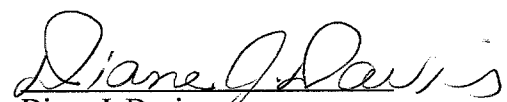

David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

**COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON**

Acknowledged on this 5th day of August, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

My commission expires: 09 / 30 / 2009




Diane J. Davis
Notary Public #174394

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 01-0320-0876-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2, 4, & 5
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: June 16, 2009

DRILLING UNIT: AY-111

~~Buckhorn~~
BUCHANAN COUNTY, VIRGINIA~~Russell~~ Russell**MISCELLANEOUS PETITION**

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2, 4, 5 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Columbus Earl White Heirs, Devisees, Successors or Assigns including: Michael White, Ferrell White, Herald White, Marty White, Cathy Darlene Ward, and Melissa Skeens.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Buckhorn Coal Company and Columbus Earl White Heirs, Devisees, Successors or Assigns including: Michael White, Ferrell White, Herald White, Marty White, Cathy Darlene Ward, and Melissa Skeens have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid. *Initial payout for the heirs of Columbus Earl White should be made payable to trust account: Glubiak Law Office, P.O. Box 144, Aylett, VA 23009 (Ralph Snead, Administrator C.T.A. of the Estate will distribute in accordance with Columbus Earl White's will.)*

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 

Anita D. Duty
Pooling Supervisor
CNX Land Resources Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701



Tract-by-Tract Escrow Calculation
Account Balances as of 3/31/09

Unit AY-111
 VGOB 01-0320-0876-01
 Acres Escrowed: 58.70

BOOK 709 PAGE 0924

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$144,467.00
Buckhorn Coal Co. - Coal	2	21.77			37.0869%	18.5434%	\$26,789.15
(Columbus) Earl Whited Heirs - O&G						18.5434%	
Michael Whited			2.1770	10%		1.8543%	\$2,678.92
Ferrell Whited			3.9186	18%		3.3378%	\$4,822.05
Herald Whited			3.9186	18%		3.3378%	\$4,822.05
Marty Whited			3.9186	18%		3.3378%	\$4,822.05
Cathy Darlene Ward			3.9186	18%		3.3378%	\$4,822.05
Melissa Skeens			3.9186	18%		3.3378%	\$4,822.05
Buckhorn Coal Co. - Coal	4	5.31			9.0460%	4.5230%	\$6,534.24
(Columbus) Earl Whited Heirs - O&G						4.5230%	
Michael Whited			0.5310	10%		0.4523%	\$653.42
Ferrell Whited			0.9558	18%		0.8141%	\$1,176.16
Herald Whited			0.9558	18%		0.8141%	\$1,176.16
Marty Whited			0.9558	18%		0.8141%	\$1,176.16
Cathy Darlene Ward			0.9558	18%		0.8141%	\$1,176.16
Melissa Skeens			0.9558	18%		0.8141%	\$1,176.16
Buckhorn Coal Co. - Coal	5	1.51			2.5724%	1.2862%	\$1,858.14
(Columbus) Earl Whited Heirs - O&G						1.2862%	
Michael Whited			0.1510	10%		0.1286%	\$185.81
Ferrell Whited			0.2718	18%		0.2315%	\$334.46
Herald Whited			0.2718	18%		0.2315%	\$334.46
Marty Whited			0.2718	18%		0.2315%	\$334.46
Cathy Darlene Ward			0.2718	18%		0.2315%	\$334.46
Melissa Skeens			0.2718	18%		0.2315%	\$334.46

PROPERTY LINES SHOWN WERE TAKEN FROM CAPS
PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.

BOOK 532 PAGE 0225

BOOK 709 PAGE 0925

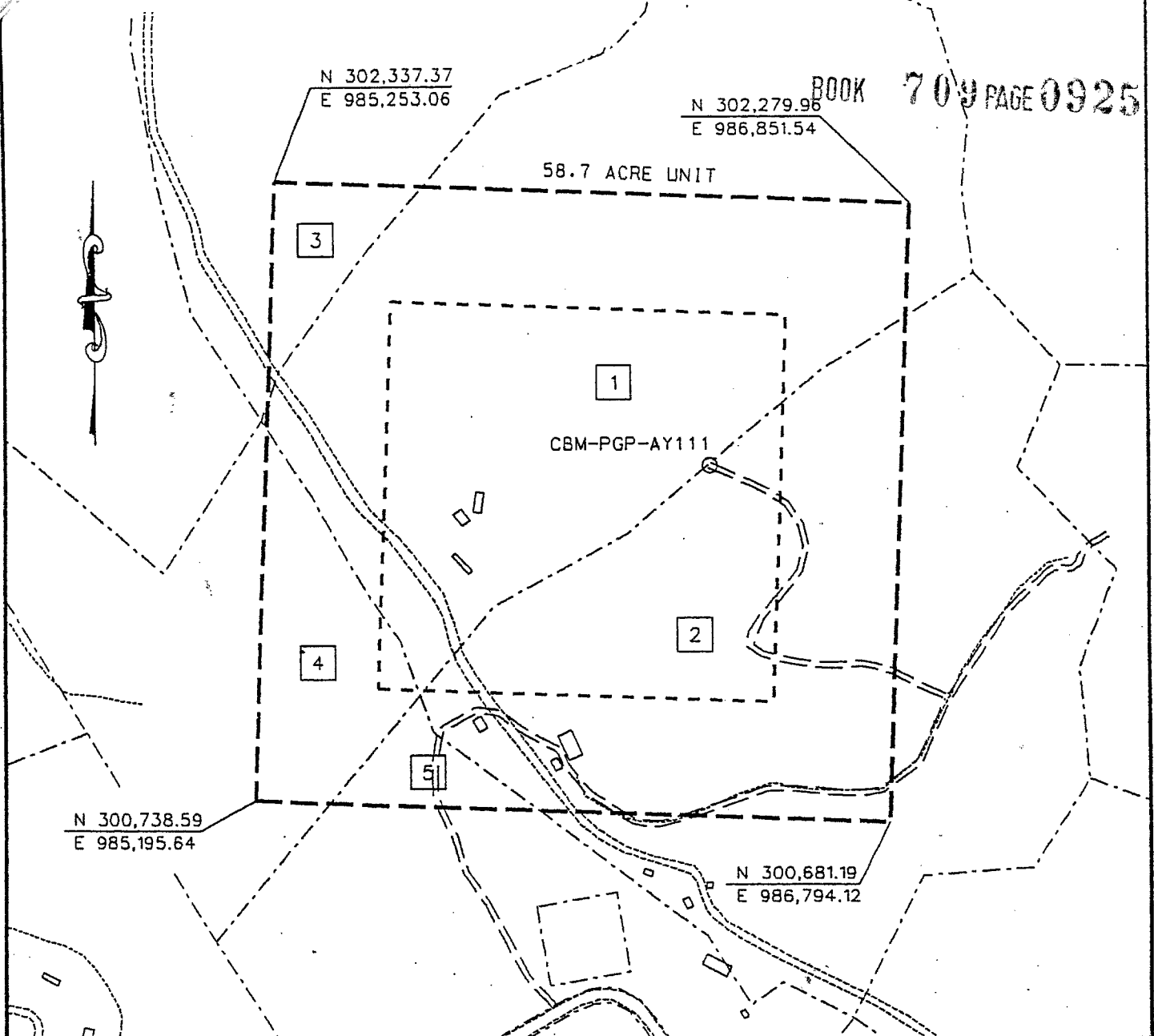


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AY-111
FORCE POOLING
VGOB-01-0320-0876

Company Pocahontas Gas Partnership Well Name and Number UNIT AY111
Tract No. _____ Elevation _____ Quadrangle Bonaker
County Russell District New Garden Scale: 1" = 400' Date 4/3/01
This plat is a new plat X ; an updated plat _____ ; or a final plat 10000

Form DGO-GO-7
Rev. 9/91

Charles D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

POCAHONTAS GAS PARTNERSHIP

Unit AY-111

Tract Identifications
(58.7 Acre Unit)

1. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl White or Elijah Stacy Heirs - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
27.93 acres 47.5809 %
2. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl White - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
21.77 acres 37.0869 %
3. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl White or Heirs, Devisees, Successors or Assigns of Dr. L. M. Harrison -
1/8th of Surface, Oil & Gas
Earl White or Gent Enterprises, LLP. - 7/8th of Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
2.18 acres 3.7138 %
4. Buckhorn Coal Company Tr. 9 - Coal
Coal Lessee
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl White - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
5.31 acres 9.0460 %
5. Buckhorn Coal Company Tr. 9 - Coal
Coal Lessee
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl White - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
1.51 acres 2.5724 %

Exhibit E
Unit-AY111
Docket #VGOB-01-0320-0875-01
List of Conflicting Owners/Claimants that require escrow

BOOK 709 PAGE 0927

	Acres in Unit	Interest in Unit
<u>Tract #1, 27.93 acres</u>		
<i>(Escrow due to Title Conflict)</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	27.93 acres	47.5809%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	27.93 acres	47.5809%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	2.79 acres 10% of 27.93 acres	4.7581%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	5.03 acres 18% of 27.93 acres	8.5646%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	5.03 acres 18% of 27.93 acres	8.5646%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	5.03 acres 18% of 27.93 acres	8.5646%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	5.03 acres 18% of 27.93 acres	8.5646%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	5.03 acres 18% of 27.93 acres	8.5646%
<i>(OR)</i>		
(1) Elijah & Zella Stacy Heirs, Devisees, Successors or Assigns		
(a) Fayne E. Stacy 1605 6th Street Richlands, VA 24641	9.31 acres 1/3 of 27.93 acres	15.8603%
(b) Nancy C. Stacy 2830 German Town Road Oakton, VA 22124	9.31 acres 1/6 of 27.93 acres	15.8603%
(c) Janice Shortridge 9966 Longford Court Veina, VA 22180	4.66 acres 1/6 of 27.93 acres	7.9387%

Exhibit E
Unit-AY111
Docket #VGOB-01-0320-0875-01
List of Conflicting Owners/Claimants that require escrow

BOOK 709 PAGE 0928

	Acres in Unit	Interest in Unit
(d) Myra J. Stacy, widow 2611 Stoneridge Court Arlington, TX 76014	<i>Life Estate in 1/9</i>	
(e) Allen Stacy 2611 Stoneridge Court Arlington, TX 76014	9.31 acres 1/3 of 27.93 acres (<i>Life Estate in 1/9</i>)	15.8603%

Tract #3, 2.18 acres

(Escrow due to Title Conflict)

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	2.18 acres	3.7138%
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OIL & GAS FEE OWNERSHIP

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	0.27 acres 1/8 of 2.18 acres	0.4600%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.03 acres 10% of 2.18 acres	0.0460%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.05 acres 18% of 2.18 acres	0.0828%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.05 acres 18% of 2.18 acres	0.0828%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.05 acres 18% of 2.18 acres	0.0828%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.05 acres 18% of 2.18 acres	0.0828%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.05 acres 18% of 2.18 acres	0.0828%

(OR)

Dr. L.M. Harrison, Heirs, Devisees, Successors or Assigns <i>Address Unknown</i>	0.27 acres 1/8 of 2.18 acres	0.4600%
(2) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	1.91 acres 7/8 of 2.18 acres	3.2538%

Exhibit E
Unit-AY111
Docket #VGOB-01-0320-0875-01
List of Conflicting Owners/Claimants that require escrow

BOOK 709 PAGE 0929

	Acres in Unit	Interest in Unit
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.19 acres 10% of 2.18 acres	0.3254%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.34 acres 18% of 2.18 acres	0.5857%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.34 acres 18% of 2.18 acres	0.5857%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.34 acres 18% of 2.18 acres	0.5857%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.34 acres 18% of 2.18 acres	0.5857%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.34 acres 18% of 2.18 acres	0.5857%
(OR)		
Gent Enterprises, LLP. P.O. Box 330 Honaker, VA 24260	1.91 acres 7/8 of 2.18 acres	3.2538%

List of Conflicting Owners/Claimants with Royalty Split Agreements

		Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2, 21.77 acres</u>				
<u>COAL FEE OWNERSHIP</u>				
(1)	Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	21.77 acres	37.0869%	18.5434%
<u>OIL & GAS FEE OWNERSHIP</u>				
(1)	(Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	21.77 acres	37.0869%	
(a)	Michael Whited PO Box 297 Swords Creek, VA 24696	2.18 acres 10% of 21.77 acres	3.7087%	1.8543%
(b)	Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	3.92 acres 18% of 21.77 acres	6.6756%	3.3378%
(c)	Herald Whited PO Box 517 Rosedale, VA 24280	3.92 acres 18% of 21.77 acres	6.6756%	3.3378%
(d)	Marty Whited PO Box 0881 Lebanon, VA 24266-0881	3.92 acres 18% of 21.77 acres	6.6756%	3.3378%
(e)	Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	3.92 acres 18% of 21.77 acres	6.6756%	3.3378%
(f)	Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	3.92 acres 18% of 21.77 acres	6.6756%	3.3378%

Tract #4, 5.31 acres

COAL FEE OWNERSHIP

(1)	Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	5.31 acres	9.0460%	4.5230%
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OIL & GAS FEE OWNERSHIP

(1)	(Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	5.31 acres	9.0460%	
(a)	Michael Whited PO Box 297 Swords Creek, VA 24696	0.53 acres 10% of 5.31 acres	0.9046%	0.4523%

Docket #VGOB-01-0320-0875-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.96 acres 18% of 5.31 acres	1.6283%	0.8141%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.96 acres 18% of 5.31 acres	1.6283%	0.8141%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.96 acres 18% of 5.31 acres	1.6283%	0.8141%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.96 acres 18% of 5.31 acres	1.6283%	0.8141%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.96 acres 18% of 5.31 acres	1.6283%	0.8141%

Tract #5, 1.51 acres

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	1.51 acres	2.5724%	1.2862%
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OIL & GAS FEE OWNERSHIP

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	1.51 acres	2.5724%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.15 acres 10% of 1.51 acres	0.2572%	0.1286%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.27 acres 18% of 1.51 acres	0.4630%	0.2315%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.27 acres 18% of 1.51 acres	0.4630%	0.2315%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.27 acres 18% of 1.51 acres	0.4630%	0.2315%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.27 acres 18% of 1.51 acres	0.4630%	0.2315%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.27 acres 18% of 1.51 acres	0.4630%	0.2315%

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 8-13, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:04 o'clock A.M., after payment of \$ tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK
BY: Sheila Ketur D. CLERK

Original returned this date to: Sharon Hagan